

MAURA C BURTON

19 HILLTOP PLACE

BALTIMORE MD 21228

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(Full name and address of the plaintiff)

Plaintiff(s)

*

vs.

Civil No.:

(Leave blank. To be filled in by Court.)

WDQ 07 CV 0869

DEUTSCHE BANK NATIONAL TRUST CO *
AS TRUSTEE C/O AMC MORTGAGE SERVICES INC
JOHN P. PANTELEAKIS / GENE JUNG
BEIRMAN, GOESING & WARD, LLC
4520 EAST WEST HIGHWAY
SUITE 200
BETHESDA MD 20814

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(Full name and address of the defendant(s))

Defendant(s)

COMPLAINT

1. Jurisdiction in this case is based on:

- ☐ Diversity (none of the defendants are residents of the state where plaintiff is a resident)
- ☒ Federal question (suit is based upon a federal statute or provision of the United States Constitution)
- ☐ Other (explain) _____

1. PLAINTIFF ENTERED INTO 3 SEPERATE MORTGAGE AGREEMENTS IN JULY 2004, FEBRUARY 2005 AND OCTOBER 2005, WITH DEFENDANT AMC (AMERIQUEST)
2. IN SEPTEMBER 2004 AMC INCORRECTLY REPORTED AUGUST 2004 MORTGAGE PAYMENT 30 DAYS LATE.
3. IN JUNE, JULY AND AUGUST 2005 AMC INCORRECTLY REPORTED THESE PAYMENTS AS 30-90 DAYS LATE.
4. IN SEPTEMBER 2005 PLAINTIFF NOTIFIED AMC OF ALL INACCURACIES.
5. IN OCTOBER 2005 AMC ACKNOWLEDGED THESE ERRORS AND AGREED TO CORRECTLY REPORT TO ALL 3 CREDIT BUREAU
6. NO PRIOR NOTICE OF ANY ERRONEOUS REPORTING WAS GIVEN TO PLAINTIFF AS REQUIRED BY 15 U.S.C. §1681s-
7. A COPY OF AMC LETTER DATED OCTOBER 2005 IS INCLUDED IN THIS COMPLAINT.
8. IN JANUARY 2006 PLAINTIFF AGAIN NOTIFIED AMC THAT IN ADDITION TO THE ALREADY ACKNOWLEDGED INACCURACIE THAT WERE BEING REPORTED, DECEMBER 2005 WAS NOW REPORTED AS 30 DAYS LATE, WHICH WAS INCORRECT. NO NOTICE WAS GIVEN BY AMC AS REQUIRED BY 15 U.S.C. §1681s-2.

9. IN JANUARY 2006 AS A RESULT OF INACCURATE CREDIT REPORTING BY AMC PLAINTIFF WAS DENIED A STUDENT LOAN BY SEVERAL DIFFERENT LENDERS.

10. PLAINTIFF WAS FORCED TO PAY OUT OF POCKET TUITION, ROOM AND BOARD, FEES & OTHER EXPENSES FOR HER SON TO COMPLETE HIS SENIOR YEAR OF COLLEGE.

11. PLAINTIFF FELL BEHIND ON MORTGAGE PAYMENTS IN APRIL AND MAY OF 2006 DUE TO EDUCATION RELATED EXPENSES DESCRIBED ABOVE.

12. PLAINTIFF TRIED UNSUCCESSFULLY TO RESOLVE THE MORTGAGE PAYMENT ISSUES WITH AMC.

13. IN SEPTEMBER OF 2006 PLAINTIFF DISCOVERED THAT NO CORRECTIONS HAD BEEN MADE BY AMC UNTIL AUGUST 2006 OF INACCURACIES IN MORTGAGE PAYMENT HISTORY.

14. AUGUST 2006 AMC FILED FORECLOSURE PROCEEDINGS WITH THE CIRCUIT COURT IN BALTIMORE COUNTY.

15. OCTOBER 2006 PLAINTIFF FILED A CHAPTER 13 BANKRUPTCY IN THE U.S. DISTRICT COURT FOR MD. TO PREVENT FORECLOSURE SALE OF HER HOME.

16. PLAINTIFF BELEIVES THAT AMC HAS NO STANDING TO HAVE FILED FORECLOSURE PROCEEDINGS BECAUSE THEY HAVE FAILED TO COMPLY WITH 15 U.S.C. § 1681s-2 AND THEREFORE BECAUSE OF THEIR UNFAIR AND DECEPTIVE ACTS THEY ARE IN VIOLATION OF SECTION 5 (a) OF THE FEDERAL TRADE COMMISSION ACT 15 U.S.C. § 45 (a) WHICH CALLS FOR A PENALTY OF NO MORE THAN \$2,500.00 PER VIOLATION.

17. AMC HAS FAILED TO CORRECT THEIR ERRORS FOR 24 MONTHS.

WHEREFORE, PLAINTIFF RESPECTFULLY REQUESTS THAT THE COURT ENTER AN ORDER :

A. BARRING DEUTSCHE BANK NATIONAL TRUST COMPANY, TRUSTEE C/O AMC MORTGAGE SERVICES INC, BEIRMAN, GIESING & WARD, LLC., FROM PERSUING FORECLOSURE PROCEEDINGS AGAINST THE PLAINTIFF, AND

B. AWARDING THE PLAINTIFF \$60,000.00 (24 MONTHS X \$2,500.00)

C. GRANTING SUCH OTHER AND FURTHER RELEIF AS MAY BE JUST AND PROPER.

- ☒ Damages in the amount of: \$60,000.00
- ☒ An injunction ordering: DISMISSAL OF FORECLOSURE
PROCEEDINGS AGAINST PLAINTIFF.
- ☐ Other (explain) _____

Maura C Burton
(original signature of plaintiff)

MAURA C BURTON

19 HILTOP PL

BALTIMORE MD 21228
(address of plaintiff)